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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,745	07/23/2003	John S. Stockwell	USA.349	8140

7590

10/06/2005

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EXAMINER

RAO, G NAGESH

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,745

Applicant(s)

STOCKWELL ET AL.

Examiner

G. Nagesh Rao

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Election/Restrictions

1) Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-8, drawn to a solid freeform fabrication process, classified in class 264, subclass 308.
- II. Claims 9-24, drawn to solid freeform fabrication apparatus, classified in class 425, subclass 174.4.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the apparatus as claimed can be used to practice another and materially different process such as a process of applying a coating (or coatings) onto a preformed product.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Ralph D'Alessandro (by Examiner Leo Tentoni) on 07 September 2005 a provisional election was made with traverse to prosecute the invention of Group II, claims 9-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Invocation of 35 USC § 112 6th Paragraph

2) The following is a quotation of the sixth paragraph of 35 U.S.C. 112:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the

corresponding structure, material, or acts described in the specification and equivalents thereof.

Claims 9, 11-16, and 18-22 have included means plus function language that is being limited to what is defined by the specification.

Claim Objections

3) Claim 18 is objected to because of the following informalities: It is interpreted by the examiner that what is denoted as “claim 16” following claim 17 was supposed to be written up as claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4) Claims 9-24 rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art in the specification which is understood to correlate from US Patent Application No. 09/970,956.

As shown in applicant's prior art (Figure 1) there is depicted a material feed and waste system for a solid freeform fabrication apparatus where there is a means for delivering at least one container (62a) to a queue station, the container holding a discrete amount of at least a build material (23a) removing said discrete amount of material from said container for delivery to said dispensing device (14), means for delivering at least a build material to at least one dispensing device (51a), means for dispensing said discrete amount of material by said dispensing device in a layerwise fashion to form via a plurality of layers a three-dimensional object (27), means for normalizing the layers of the three dimensional object wherein waste material is produced (39), and means for depositing said waste material in a waste receptacle (94) wherein said means for depositing said waste material comprises a) means for collecting said waste material in an intermediate vessel (94), b) means for releasing from said intermediate vessel to said waste receptacle said collected waste material when a pre-set amount of waste material has been collected (56, 100b, 100a) and means for repeating said collecting and releasing means until three dimensional object is formed (102 and pages 13 and 14 of admitted prior art in applicant's specification) via computer controller system which is used for receiving object data descriptive of the three dimensional object and for processing the data and controlling the apparatus when forming the three-

dimensional object. Furthermore the intermediate vessel has a planarizer (39) that allows for the waste material to be collected into the waste reservoir thus serving as a type of inlet port means for allowing the material to flow into the container, followed by the aforementioned level sensor (102) which is set to trigger from a set level being reached that is capable of being predetermined ahead of time if desired, followed by a drain that is connected to umbilical tube (56) for draining the excess material towards the waste receptacles and the vessel would have a vent like means occurring from the release of the excess waste material from valves (100a and 100b) for venting the pressure buildup of material in the waste reservoir (94). Finally the waste material is exposed to a radiation source (70) provided to expose the waste material in a manner to cure the waste so that there is no reactive material left in the waste receptacles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR



ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700

10/3/05